

REMARKS***Pending Claims***

Applicants have cancelled claims 1-19 and 30-53 and have added new claims 54-56. Applicant. Claim 23 was also previously cancelled. Applicants have also amended claim 20 to address the Examiner's objections and claim 27 to correct a typographical error. Claims 20-22, 24-29 and 54-56. are pending in the application

Claim Objections

Claims 24-29 were deemed allowable but were objected to as being dependent on a rejected base claim. Applicants have amended claim 20 and have in addition presented the subject matter of claims 24-27 in new independent claim 55.

In addition new independent claim 56 is presented. New claim 56 is drawn to a method for inhibiting caspase-independent apoptosis in a cell comprising: contacting a cell having Omi/HtrA2 activity with at least one apoptosis inhibiting compound selected from the group consisting of Ucf-101 Ucf-102, Ucf-103 and Ucf-104, such that the apoptosis inhibiting compound interacts with Omi/HtrA2 to inhibit the activity of Omi/HtrA2, wherein the inhibition of Omi/HtrA2 activity reduces apoptosis in the cell; and monitoring the inhibition of apoptosis. This claim incorporates the subject matter of claim 12 as well as some of its dependent claims.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 20 is rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. According to the Examiner, the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one reasonably skilled on the art that applicants had possession of the invention at the time of filing.

Specifically, there is no written description of compound (I) or description of what R₂ is in compound (II).

Applicants have amended claim 20 to correct the typographical error. Compound (I), has been corrected to be the same as the compound shown in Figure 1A in the application as originally filed. Double brackets have been used to show the relevant deletion of the incorrect compound, as a strikethrough might be confusing. The corrected compound has been added and underlined.

Furthermore, Applicants submit that in light of the specification taken as a whole, including the disclosure of various groups for R₁, one of ordinary skill in the art would know what groups could be substituted for R₂. Notwithstanding the foregoing, Applicants have amended claim 20 to limit R₂ to the R-group disclosed in species Ucf-102, namely a methoxy (-OCH₃) group. Support for this amendment can be found in the Figures as originally filed.

Rejections under 35 U.S.C. § 112, second paragraph

1. Claim 12-14 and 17-19 were rejected under 35 USC 112, second paragraph as being indefinite. Those claims have been cancelled.

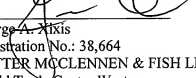
2. The Examiner has rejected claims 20-22 under 35 U.S.C. 112, second paragraph because “the Applicant has failed to include what R₁ and/or R₂ is for each compound represented in claim 20. Applicants have amended claim 20 to specify R₁ and/or R₂. Support for these amendments can be found throughout the specification and in the Figures as originally filed.

Conclusion

In conclusion, Applicant submits that all pending claims are allowable, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed necessary to expedite prosecution of this application.

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Respectfully submitted,

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